

REMARKS

This application has been carefully reviewed in light of the Office Action dated July 13, 2005. Claims 63, 64, 66 to 69, and 71 to 79 are in the application, of which claims 63, 66 and 68 are independent. Reconsideration and further examination are respectfully requested.

Formal drawings are submitted herewith. These formal drawings include the change mentioned in the Request For Approval Of Drawing Change dated August 7, 2001. Approval of the formal drawings is respectfully requested.

Claims 1 to 62, which were withdrawn from further consideration pursuant to a restriction requirement which has now been made "final", have all been cancelled without prejudice or disclaimer of subject matter, and without prejudice to Applicants' right to re-present those claims in further divisional applications.

Claims 63 to 70 were rejected under 35 U.S.C. § 102(e) over U.S. Patent 6,571,271 (Savitsky). It is respectfully requested for the Examiner to reconsider and to withdraw this rejection, as explained more fully below.

The invention concerns control over a transfer device capable of communicating with an external storage device over a network. The transfer device retrieves data from a digital device, determines whether or not the external storage device is ready to receive the data, and stores the data in an internal storage device in accordance with a result of this determination. When the external storage device is ready, the data stored in the internal storage is uploaded to the external storage device over the network

In one representative (but non-limiting) embodiment of the invention, the digital device is an image capture device such as a still-image camera, the transfer device is a set top box (STB), and the external device is a cable head end. As shown at step S415 of Figure 4B, if it is determined that a server at the cable head end is ready, then data is retrieved from the camera and uploaded to the server. On the other hand, if the server is not ready, then as explained at steps S418 and S421, data is retrieved from the camera and stored locally on the STB. When the server becomes ready (step S422), the locally-stored data is uploaded to the cable head end.

It is therefore a feature of the invention to determine whether or not an external device is ready to receive data, and to store the data in an internal storage in accordance with the determination result.

The applied patent to Savitsky is not seen to disclose or to suggest the foregoing arrangement, and in particular is not seen to disclose or to suggest at least the features of determining whether an external storing device is ready for receiving data, and storing the data in an internal storage in accordance with the determination result.

Savitsky describes a device in which a kiosk terminal automatically transfers image data stored in a memory card to an image server. The transfer occurs automatically, upon insertion of a memory card into the kiosk terminal. Thus, Savitsky does not disclose a determination by the kiosk terminal of whether or not the image server is ready or is not ready to receive the image data.

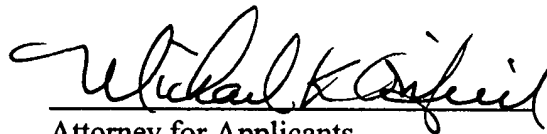
The Office Action cited to columns 9 and 10 of Savitsky, in support of its position that Savitsky retrieves data before an external storage device becomes ready to

receive data and stores the retrieved data in memory. Columns 9 and 10 have been reviewed, but they are not seen to describe what is ascribed to them. It might be true that Savitsky describes a determination of when an input device is available for reading; however, the input device of Savitsky is not the same as Savitsky's image server, and nothing in Savitsky is seen to disclose or to suggest a determination of when Savitsky's image server becomes ready to receive data.

As a consequence, Applicants respectfully submit that Savitsky does not disclose or suggest a determination of whether or not an external device is ready to receive data, and does not disclose or suggest storage of data in an internal storage in accordance with a determination result. Allowance of the claims herein is therefore respectfully requested.

Applicants' undersigned attorney may be reached in our Costa Mesa, California office at (714) 540-8700. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,



Attorney for Applicants
Michael K. O'Neill
Registration No.: 32,622

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3800
Facsimile: (212) 218-2200